



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 04 2015

Walter W. Haase
General Manager
Navajo Tribal Utility Authority
PO Box 170
Fort Defiance, AZ 86504

Via Certified Mail: 7013 1090 0000 1618 1246

Dear Mr. Haase:

I am writing today to request information from the Navajo Tribal Utility Authority (NTUA) regarding events leading up to and following the recent bypass and unauthorized discharge of wastewater from the Window Rock Wastewater Treatment Lagoon (NPDES Permit No. NN0021555). Today's request for information is directed to you, as General Manager of NTUA, pursuant to section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes EPA to require persons subject to the Act to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives, and make reports as may be necessary to carry out the objectives of the CWA.

EPA seeks your responses to the questions listed in Attachment 1. Please read the instructions and questions in the attachment carefully before preparing your response. Your response to this Information Request must be postmarked within 15 days of receipt of this letter.

Please include the following certification signed by you, your responsible corporate officer, or duly authorized representative:

I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. § 1001

Failure to comply with this Information Request can result in enforcement action for appropriate relief and penalties under section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits.

You cannot withhold from EPA what you may consider to be confidential business information. However, you have the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA

will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with your submission, EPA may make the information available to the public without further notice to you. All confidentiality claims are subject to EPA verification.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Please submit your response to:

U.S. Environmental Protection Agency, Region 9
Enforcement Division, ENF-3-1
Attn: Adam Howell
75 Hawthorne St
San Francisco, CA 94105
Howell.Adam@epa.gov

With a copy to:

Navajo Nation Environmental Protection Agency
Surface Groundwater Protection Department
Attention: Patrick Antonio
P.O. Box 339
Window Rock, AZ 86515
PatrickAntonio@navajo-nsn.gov

Thank you for your cooperation and prompt attention to this matter. If you have questions, please contact Adam Howell of my staff at (415) 947-4248 or have your attorney contact Thomas Butler of the Office of Regional Counsel at (415) 972-3869.

Sincerely,



Claire Trombadore, Assistant Director
Water and Pesticides Branch
Enforcement Division

cc via email:

Rex Kontz, NTUA Deputy General Manager
Patrick Antonio, NN EPA Surface Groundwater Protection Department

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "Person" means any entity, however denominated. The term includes, without limitation, any individual, firm, corporation, governmental entity, partnership, association, sole proprietorship, trust estate, board, and committee.
3. "Site" means the areas utilized by NTUA located at the Window Rock Wastewater Treatment Lagoon

INFORMATION REQUEST

1. Clearly, and as completely as possible, describe the circumstances surrounding the "second potential discharge" reported in the Navajo Nation Environmental Protection Agency's (NN EPA) attached letter dated February 20, 2015 (Attachment 2). The NN EPA letter described the "second potential discharge" as "black plastic piping... redirected from going into the second lagoon to allowing wastewater to be released in an open area to the south..."
2. Identify start time and duration of the alleged discharge.
3. Estimate the total volume of wastewater discharged and document how the estimate was calculated, including any assumptions made.
4. Describe where the discharge flowed after it left the piping? Did it reach outside the facility fence line to an area accessible to the public? Did it reach a waterway and, if so, which one?

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 (“EPA”) requires the Navajo Tribal Utility Authority (NTUA) to provide to EPA the information described below (“Request for Information”).

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to, and segregate responsive documents by, each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may use it in place of a written answer by supplying the document and appropriately identifying the applicable portion of the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual’s full name, title, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
7. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.
8. No Effect on Other Legal Obligations. This information request in no way alters or relieves you of other legal responsibilities or restrictions imposed on operations at the Site at the federal, state or local government level.

5. If any sampling and analysis of the discharge has been undertaken, submit the results of those analyses.
6. If the discharge is still occurring, undertake measurement, sampling and analysis immediately for all parameters in Section A.2 of National Pollutant Discharge Elimination System (NPDES) Permit No. NN0021555 with the exception of a priority pollutant scan. Halt the discharge immediately after sampling. Report the analytical results to EPA and NN EPA as soon as they become available.
7. Describe the steps NTUA will take to:
 - a. Prevent future unauthorized and unpermitted discharge of wastewater from the site and report any instances of noncompliance in accordance with CFR 40 122.41(l)
 - b. Ensure that any future bypass complies with CFR 40 122.41(m).



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
Surface and Ground Water Protection Department
P.O. Box 339
Window Rock, Arizona 86515
Phone: (928) 871-7690
FAX: (928) 871-7599

Ben Shelly
PRESIDENT

Rex Lee Jim
VICE PRESIDENT

February 20, 2015

Adam Howell (ENF-3-1)
CWA Compliance Office
U.S. Environmental Protection Agency – Region IX
75 Hawthorne Street
San Francisco, CA 94105

RE: Potential Illegal Discharges at the NTUA Window Rock WWTF

Dear Adam:

Yesterday, staff from the Navajo Nation Water Code Office met with Navajo EPA's Domestic Wastewater (DWW) Program to report illegal discharges at the NTUA Window Rock WWTF. Erwin Chaco, Environmental Technician with the DWW Program made a field inspection and notified me of his findings. Mr. Chaco met with Conal Silversmith the Wastewater Operator at the WWTF.

Concerning the first potential discharge which occurred in the NW corner of the WWTF property (D1 on the attached aerial photo), Mr. Silversmith indicated that a potable waterline joint burst at the point where the WWTF taps into the NTUA waterline. This resulted in the pooling of water inside and outside the WWTF perimeter fence (Photograph Nos. 1 and 2). No waters of the U.S. were impacted. The waterline has been repaired.

Concerning the second potential discharge which occurred in the southern portion of the WWTF property (D2 on the aerial photo), Mr. Silversmith indicated that the black plastic piping running into the second cell from the chlorination building pumps was freezing up causing the effluent to buildup which shut off the pumps. As a result, the black plastic piping was redirected from going into the second lagoon to allowing wastewater to be released in an open area to the south but within the WWTF perimeter fence (Photograph Nos. 3-8). This would not appear to be a proper O&M technique, especially with the facility currently under a consent order.

If you have any questions, contact me at (928) 871-7185. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Patrick Antonio".

Patrick Antonio, Principal Hydrologist
Navajo EPA – Water Quality/NPDES Program



U.S. Fish and Wildlife Service

National Wetlands Inventory

wr wwtp

Feb 23, 2015



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

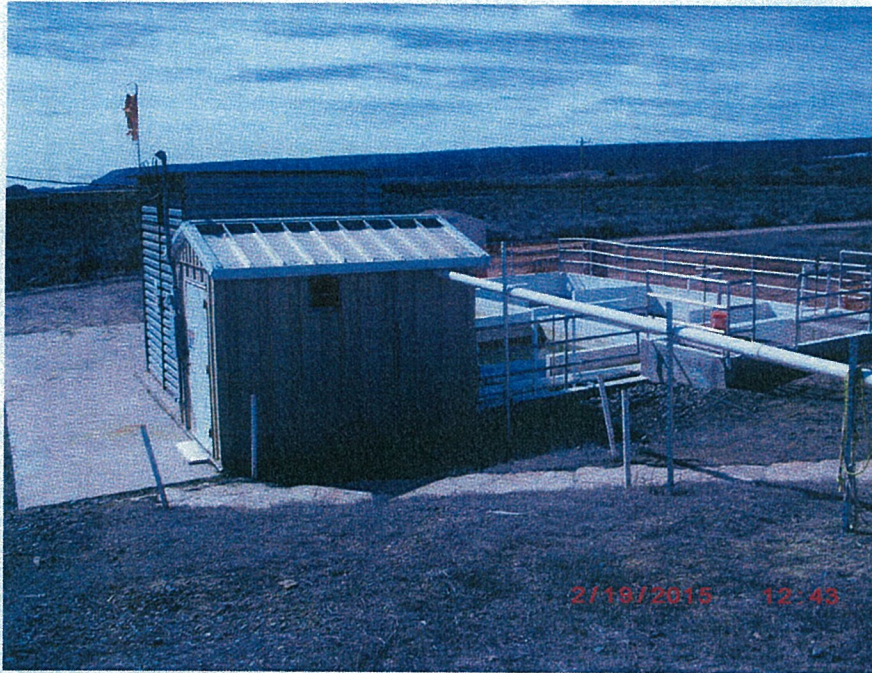
User Remarks:



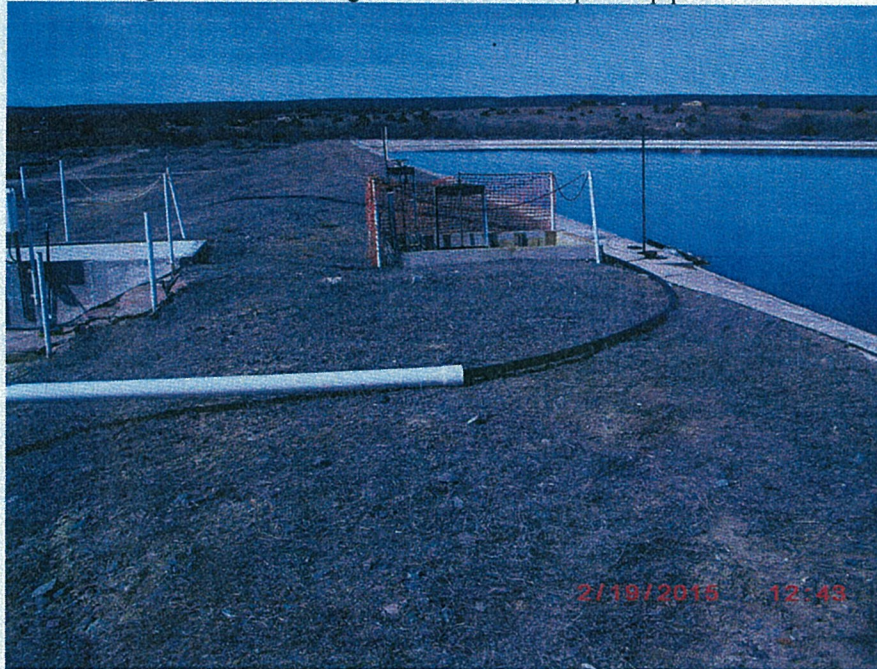
Photograph No. 1, SW/S view – Pooling of water within the NTUA Window Rock WWTF fence. The water was from a burst waterline which occurred just to the right. The water crossed the fence.



Photograph No. 2, N/NW view – Pooling of water outside the WWTF fence. NTUA graded through the pool to allow access for repair of the broken waterline.



Photograph No. 3, S/SW view – The beige building houses the chlorination/algae screen pumps. The white PVC line coming out of the building connects to a black plastic pipeline.



Photograph No. 4, W view – The black plastic piping coming from the chlorination/algae screen pumps is redirected away from the second lagoon.



Photograph No. 5, NE view – The black plastic piping coming from the chlorination/algae screen pumps is redirected away from and south of the second lagoon.



Photograph No. 6, NW/N view - The end of the black plastic piping coming from the chlorination/algae screen pumps. Wastewater being released onto a piece of board.



Photograph No. 7, W view - The pooling of wastewater from the black plastic piping coming from the chlorination/algae screen pumps. The southern WWTF fence is to the left.



Photograph No. 8, E/SE view - The pooling of wastewater from the black plastic piping coming from the chlorination/algae screen pumps on a dirt road just outside and south of the WWTF fence.